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DEC 1 2 2006

OFFICE OF PETITIONS

In re Application

Weusthof, et al.

Application No. 10/056,297

Filed: January 25, 2002

Docket No. 10710-611

: DECISION ON APPLICATION

: FOR PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed September 21, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is eight (8) days. of the updated PAIR screen, showing the correct determination, is enclosed.

On August 7, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was sixty-eight (68) days.

The Office initially determined a patent term adjustment of sixty-eight (68) days based on an adjustment for PTO delay of one hundred twelve (112) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and twenty-one (21) days pursuant to 35 U.S.C. 154(b)(1)(A)(iii) and 37 C.F.R. § 1.703(a)(3), reduced by sixty (60), four (4), and one (1) days of applicant delay

pursuant to 37 C.F.R. § 1.704(b). All adjustments have been reviewed and determined to be correct.

Applicant points out that they should have been assessed additional delay in responding to an Office action. The Office mailed a final action on December 28, 2004. Applicants filed an RCE on May 27, 2005. Accordingly, pursuant to 37 C.F.R. 1.704(b), sixty (60) days of applicant delay should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **eight (8) days** (133 (112+21) days of PTO delay, reduced by 125 (60+4+60+1) days of applicant delay).

No fee has been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the Office's attention.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kerv Fries

Senior Legal Advisor

Key AP

Office of Patent Legal Administration

Office of Deputy Commissioner

for Patent Examination Policy

Enclosure: Copy of Revised PAIR Screen

Day : Monday Date: 12/11/2006

Time: 11:46:08

PALM INTRANET

PTA Calculations for Application: 10/056297								
Application Filing Date: 01/25/2002	PTO Delay (PTO):	133						
Issue Date of Patent:	Three Years:	0						
Pre-Issue Petitions: 0	Applicant Delay (APPL):	65						
Post-Issue Petitions: 0	Total PTA (days):	8						
PTO Delay Adjustment: -60								

File Contents History								
Number	. Date	Contents Description	PTO	APPL	START			
64	12/11/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		60				
56	08/07/2006	MAIL NOTICE OF ALLOWANCE	21		40			
55	08/07/2006	MAIL EXAMINER'S AMENDMENT			- ;			
54	08/03/2006	ISSUE REVISION COMPLETED						
53	08/03/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED						
52	08/03/2006	EXAMINER'S AMENDMENT COMMUNICATION						
51	07/27/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)						
50	08/02/2006	NOTICE OF ALLOWABILITY						
49	05/12/2006	DATE FORWARDED TO EXAMINER						
48	05/12/2006	MAIL APPEALS CONF. REOPEN PROSEC.						
47	05/10/2006	APPEALS CONF. DECISION, REOPEN PROSEC.						
46	04/19/2006	REQUEST FOR APPEAL CONFERENCE FILED						
45	04/19/2006	NOTICE OF APPEAL FILED						
44	04/19/2006	REQUEST FOR EXTENSION OF TIME - GRANTED						
43	04/05/2006	MAIL ADVISORY ACTION (PTOL - 303)						
42	04/03/2006	ADVISORY ACTION (PTOL-303)						
41	03/23/2006	DATE FORWARDED TO EXAMINER						
40	03/17/2006	AMENDMENT AFTER FINAL REJECTION						
39	12/19/2005	MAIL FINAL REJECTION (PTOL - 326)						
38	12/12/2005	FINAL REJECTION						
37	01/25/2002	INFORMATION DISCLOSURE STATEMENT CONSIDERED						
36	10/04/2005	DATE FORWARDED TO EXAMINER						
35	09/23/2005	RESPONSE AFTER NON-FINAL ACTION		1	34			

34	06/22/2005	MAIL NON-FINAL REJECTION			
33	\ <u></u>	NON-FINAL REJECTION			
32	06/14/2005	CORRESPONDENCE ADDRESS CHANGE			
31	06/14/2005	DATE FORWARDED TO EXAMINER			
30	05/27/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
29	06/14/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
28	05/27/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
27	12/28/2004	MAIL FINAL REJECTION (PTOL - 326)			
26	12/23/2004	FINAL REJECTION			
25	10/14/2004	DATE FORWARDED TO EXAMINER			
24	09/20/2004	RESPONSE AFTER NON-FINAL ACTION		4	21
23		REFERENCE CAPTURE ON IDS			
22	01/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	06/16/2004	MAIL NON-FINAL REJECTION			
20	06/14/2004	NON-FINAL REJECTION			
19	04/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	03/15/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
17		DATE FORWARDED TO EXAMINER			
16	03/15/2004	RESPONSE AFTER NON-FINAL ACTION		60	14
15	03/15/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
14	10/15/2003	MAIL NON-FINAL REJECTION			
13	10/10/2003	NON-FINAL REJECTION			
12	09/26/2003	DATE FORWARDED TO EXAMINER			
11	09/17/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
10	09/17/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
9	07/15/2003	MAIL RESTRICTION REQUIREMENT	112		-1
8	07/14/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
7	05/29/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	10/30/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	02/20/2002	APPLICATION DISPATCHED FROM OIPE			
4	02/19/2002	APPLICATION IS NOW COMPLETE			
2	02/05/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			

1 01/25/2002 INITIAL EXAM TEAM NN

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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